

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

MARYN LYNNA YOUNG
a.k.a. MARIN LYNNA YOUNG
a.k.a. MARIN LYNNA YOUNG DELP

Applicant for Registered Nurse License

Respondent.

Case No. 2012-379

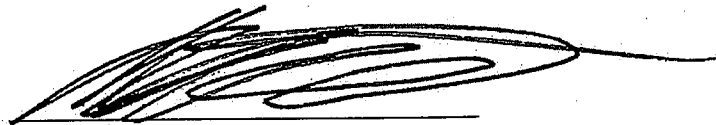
OAH No. 2011120963

DECISION

The attached proposed decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on August 15, 2012.

IT IS SO ORDERED this 16th day of July, 2012.



Erin Niemela
Board of Registered Nursing
Department of Consumer Affairs
State of California

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PROPOSED DECISION

On March 30, 2012, in San Diego, California, Carla Nasoff, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Desiree Icaza Kellogg, Deputy Attorney General, Office of the Attorney General, represented complainant Louise R. Bailey, M.Ed., R.N., Interim Executive Officer, Board of Registered Nursing, Department of Consumer Affairs, State of California.

Maryn Lynna Young (respondent or Young) was present throughout the administrative proceeding.

The matter was submitted on March 30, 2012.

FACTUAL FINDINGS

Jurisdictional Matters

1. On December 20, 2011, Louise R. Bailey, M.Ed., R.N. Interim Executive Officer, Board of Registered Nursing, Department of Consumer Affairs, State of California. (Board), filed the Statement of Issues Case No. 2011-130 in her official capacity.

The statement of issues and other required jurisdictional documents were served on respondent who timely filed a Notice of Defense.

2. On March 30, 2012 the record in the administrative hearing was opened. Jurisdictional documents were presented, sworn testimony was received, documentary evidence was introduced and closing arguments were given and the matter was submitted.

Application History

3. On April 13, 2011, Young signed her application for Registered Nursing Licensure under penalty of perjury to the truthfulness of all statements, answers, and representations in the application.

4. On September 15, 2011 the Board denied the application and respondent filed a timely appeal.

Four Convictions

5. Respondent's first offense occurred on January 6, 2004. Respondent was arrested for burglary. Respondent made an unauthorized purchase on a stolen credit card that was taken from the victim's car. On January 22, 2004, in the case of *People v Marin Lynna Young, aka Marinna Lynna-Delp*, in Riverside County Superior Court, case number INF046447, respondent was convicted on her plea of guilty of violating Penal Code section 459, (second degree burglary), a misdemeanor. Respondent was granted 36 months summary probation and ordered to serve 55 days in custody with 25 days credit. Respondent was further ordered to pay fees, fines and restitution. Respondent violated the terms of her probation on May 11, 2004 when she committed her second offense, possession of methamphetamine¹.

6. The second offense occurred on May 11, 2004. Respondent was arrested for possession of methamphetamine and receiving stolen property. Respondent was in a parked vehicle in a business district when a patrol officer approached her. The officer determined the registered owner of the vehicle reported the car stolen earlier in the day. The officer found a plastic bag containing methamphetamine inside respondent's pocket. On June 23, 2004, respondent was convicted on her plea of guilty of violating Health and Safety Code section 11377, subdivision (a)(possession of a controlled substance, to wit, methamphetamine), a felony. Respondent was granted 36 months formal probation; ordered to participate in a substance abuse program; attend Narcotics Anonymous (NA) or alternative program; not associate with known drug users or persons on parole or probation; not possess drug paraphernalia; register as a drug offender and pay fines, fees and restitution.

On July 23, 2004, respondent failed to appear at her first probation hearing and a bench warrant was issued. Respondent violated the terms of her probation and was ordered to eight months in state prison, however, the sentence was suspended and respondent was

¹ Methamphetamine is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivisions (d)(2), and is a dangerous drug pursuant to Business and Professions Code section 4022.

placed on formal probation for three years. On March 7, 2008, the superior court dismissed the matter pursuant to Penal Code section 1203.4.

7. The third offense occurred on October 6, 2004. Respondent was arrested for possession of methamphetamine. Respondent was a passenger in a car that was stopped by police. On October 8, 2004, respondent was convicted on her plea of guilty of violating Health and Safety Code section 11377, subdivision (a), (possession of a controlled substance, methamphetamine), a felony. Respondent was granted 36 months formal probation; ordered to participate in a substance abuse program, attend NA, not associate with known drug users or persons on parole or probation; not possess drug paraphernalia; register as a drug offender and pay fines, fees and restitution.

On October 14, 2004, respondent failed to appear at her probation hearing and a bench order was issued. Her probation was revoked and the court imposed three years in state prison to run consecutive to the sentence imposed in her June 23, 2004 conviction. The sentence was suspended and respondent was placed on formal probation for three years. On March 7, 2008, the superior court dismissed the matter pursuant to Penal Code section 1203.4.

8. The fourth offense occurred on July 11, 2006. Respondent was arrested for forgery. Respondent attempted to cash a check that was taken from the owner of a Palm Springs clothing store. Respondent represented that the payment was for labor previously performed at the clothing store. On March 7, 2007, respondent was convicted on her plea of guilty to violating Penal Code section 476, (forgery), a felony. Respondent was granted 36 months formal probation; ordered not to associate with known drug users or persons on parole or probation; participate in substance abuse program; reside at a substance abuse treatment center; attend NA, not possess drug paraphernalia and complete a drug court program. On March 7, 2008, the superior court dismissed the matter pursuant to Penal Code section 1203.4.

Maryn Lynna Young's Testimony

9. Maryn Lynna Young was born in 1979. In 1997, she received her high school diploma from Mountain Valley United home study program. In 1998, she attended one semester at Palomar Community College. In 2000, she attended Riverside Occupation Program and received a certificate as a phlebotomist and medical assistant. From 2007 to 2011, she attended the College of Desert and obtained an Associate's Degree in Nursing. From 2004 to 2006, she worked at Subway sandwich shop, Creative Mortgage Company and as a cocktail waitress. From October 2011 to the present, she worked at ABC Recovery part-time as a supervisor and medical technician. Her duties include patient triage. She is responsible for the care and treatment of patients with dual diagnosis and substance abuse. From October 2011 to the present, she has been a tutor for nursing students at the College of the Desert.

Respondent has a family history of alcoholism. Her 2004 burglary and 2006 forgery charges were committed to support her drug addiction. During her period of addiction, she

was at times homeless and desperate. One of her criminal probation violations stemmed from her inability to pay for the court ordered rehabilitation program. As a result she was terminated from the program. She subsequently attended and successfully completed drug court. Her sobriety date is July 10, 2006. She currently lives with her mother, and her two children, ages 12 and 14 years old. She graduated nursing school with honors, was a member of the honors group Phi Beta Kappa and was elected president of the student nursing association at the College of the Desert. She surrounds herself with sober individuals and no longer associates herself with those who were involved with her during her 2004 through 2006 convictions.

Currently respondent attends three (3) AA/NA meetings a week, meditates, prays and is active in her community. She has completed the 12-step program five times. She is currently employed and also volunteers her time at the local botanical gardens, the senior center, youth baseball league and church.

Evaluation of Respondent's Testimony

10. Respondent presented evidence of her self-reflection and remorse. Six years has passed since her last conviction. She is active in the community, has started to make amends and expunged her convictions. Her numerous letters of recommendation, including the numerous witnesses who testified on her behalf, were impressive. At the administrative hearing, the courtroom was filled with many supporters from her community. Some of the witnesses who testified on her behalf have struggled with drug use and were able to speak with conviction. Respondent demonstrated that she had the support of many people, including her mother, her children, professors, a doctor and her employer. All of these individuals helped her in her continued progress in recovery.

Richard Jenkins's Testimony

11. Richard Jenkins testified as a character witness on behalf of the respondent. He has known the respondent for the past six years. Mr. Jenkins is president of the Youth League and testified that respondent was their treasurer and team parent. Respondent was responsible for paying all league bills, tax filings and did so without any irregularities. Mr. Jenkins described respondent as honest, dependable, pleasant and professional.

Clark Moorten's Testimony

12. Clark Moorten testified as a character witness on behalf of the respondent. He has known respondent for the past 10 years. Mr. Moorten owns the local botanical gardens where respondent has volunteered her time in helping with the business operations. Mr. Moorten described respondent as reliable, personable and honest. He never saw her under the influence of any drugs.

Betty Ann Baluski's Testimony

13. Betty Baluski was respondent's nursing college professor and has known respondent for the past three years. Ms. Baluski described respondent as caring, mature and intelligent. Ms. Baluski became aware of the issues in the accusation eight months ago following respondent's clinical rotation. She testified, "At no time did I believe she (respondent) was anything but a solid citizen."

Jeff Anderson's Testimony

14. Jeff Anderson is respondent's current supervisor at ABC recovery program and has known respondent for the past six months. Respondent was hired as a detoxification supervisor whose duties include patient care and treatment. Mr. Anderson described respondent as "knowledgeable, compassionate, and uniquely suited for the position."

Dave Broderick's Testimony

15. Dave Broderick worked for the department of corrections for twelve years. Mr. Broderick has known respondent for the past five years as "a sister in recovery." Mr. Broderick has been involved in Narcotics Anonymous for the past 19 years. He described respondent as "Honest, tenacious, trustworthy, caring, and a role model for others."

Damiano Iocovozzi's Testimony

16. Damiano Iocovozzi has been a nurse for the past 23 years and currently works at the Cathedral City Family Medical Clinic. He has known respondent since 2007 when she worked as a medical assistant in the clinic. He described respondent as "caring, compassionate, gifted, honest and hard working."

Lynn Young's Testimony

17. Lynn Young is respondent's mother and a registered nurse for the past 12 years. Ms. Young testified that respondent ran away from home at age 15 years old and had little contact with her during the turbulent years of respondent's drug use. Since respondent's sobriety date of July 10, 2006, Ms. Young noticed a change in her daughter's behavior and commitment to sobriety for herself as well as for the benefit of her children. Respondent completed nursing school with honors and works two jobs in attempts to support herself and her children. Respondent lives with her now and she sees respondent on a daily basis. Ms. Young testified that respondent has managed her recovery in a responsible manner and has grown tremendously over the past six years.

Character Witness Declarations

18. Respondent provided various character witness letters from her AA sponsor, her probation officer, nurses, professors and a doctor. The letters submitted demonstrated a

common theme of respondent's character, integrity, recovery and desire to mature into a productive member of society.

Rehabilitation

19. Since her last conviction in 2006, she has demonstrated steps toward rehabilitation. She graduated nursing school with honors, has maintained employment, surrounds herself with sober individuals and no longer associates herself with those who were involved with her during her 2004 through 2006 convictions. She regularly attends AA meetings and completed a drug court program. Respondent underwent a mental health examination by R. Keith Simpson D.O. who concluded that she could function as a registered nurse in a safe and competent manner. Respondent has taken responsibility for her past mistakes and exhibited shame and embarrassment for her past conduct. She has not relapsed since her last sobriety date of July 10, 2006.

Evaluation and Analysis

20. Throughout 2004, respondent committed repeated criminal acts of possessing methamphetamine. Her 2004 burglary and 2006 forgery convictions were related to her drug use and addiction. The nature and severity of the three drug convictions involved placing herself at risk of danger and are considered substantially related to the qualifications, functions or duties of a registered nurse. Nurses work in an environment where controlled substances are readily available to them and their misuse places patients at risk. Respondent's forgery conviction demonstrated a lack of good judgment and dishonesty with the intent for self-benefit. Respondent's repeated probation violations demonstrated her lack of respect for the court and authority. Registered nurses are entrusted with the well-being of patients. Using good judgment, following court orders, being law-abiding, abstaining from illegal drug use and being honest are necessary in order to ensure public safety. Her actions, if performed by a licensed registered nurse, would constitute grounds for discipline.

However, since 2006 respondent has graduated nursing school with honors, consistently attended AA meetings, completed a drug court program, remained active with her program of recovery, underwent a mental health examination by R. Keith Simpson, DO, worked as a medical technician, surrounded herself with sober individuals and provided evidence her criminal convictions have been expunged. She has taken responsibility for her past mistakes and exhibited shame and embarrassment for her past conduct. She has worked hard to overcome her past bad choices of using drugs and committing crimes to support her addiction. Six years have passed since her last conviction. Enough time has passed to adequately determine rehabilitation.

Her treating physician, Dr. Simpson, recently performed a mental health examination and concluded that respondent could function as a registered nurse in a safe and competent manner. He "firmly recommended" that she be allowed to obtain her R.N. license. Respondent has learned a very difficult and extremely expensive lesson, and enough time has passed. She no longer remains on court ordered probation and has demonstrated through her actions that she has been law-abiding, sober and a productive member of society since 2006.

Respondent presented evidence of her self-reflection and remorse. Her numerous letters of recommendation and the witnesses who testified on her behalf were impressive. Many of her witnesses themselves struggled from drug use and were able to speak with conviction.

Respondent demonstrated that she was active in the community, started to make amends and expunged her convictions. Respondent is commended for her sustained efforts and enough time has passed since her sobriety date to adequately determine rehabilitation. Her employer, professor, addiction specialist provided sufficient and favorable evidence on her behalf. Public protection can be achieved by granting respondent a probationary license at this time.

In considering the totality of the facts and circumstances in this case, respondent, over the past six (6) years has demonstrated a capacity to practice safe nursing. Respondent provided compelling evidence of rehabilitation substantiated by a recent mental health evaluation. All of respondent's drug convictions took place in 2004, nearly eight (8) years ago. She has been sober for six (6) years and has been law abiding since. Upon successful completion of the licensure examination and all other licensing requirements, a license shall be issued to respondent. Said license shall immediately be revoked, the order of revocation stayed and respondent placed on probation for a period of three (3) years with specific terms and conditions. Granting a restricted three (3) year probationary license would not be against the public interest or safety.

LEGAL CONCLUSIONS

1. Business and Professions Code section 475 provides:

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

(1) Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.

(2) Conviction of a crime.

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a).

(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality, or habits.

2. Business and Professions Code section 480 provides in part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, no person shall be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482."

3. Business and Professions Code section 482 provides in part:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or (b) Considering suspension or revocation of a license under Section 490.

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

4. Business and Professions Code section 493 states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'

5. Business and Professions Code section 2736 provides:

(a) An applicant for licensure as a registered nurse shall comply with each of the following:

(1) Have completed such general preliminary education requirements as shall be determined by the board.

(2) Have successfully completed the courses of instruction prescribed by the board for licensure, in a program in this state accredited by the board for training registered nurses, or have successfully completed courses of instruction in a school of nursing outside of this state which, in the opinion of the board at the time the application is filed with the Board of Registered Nursing, are equivalent to the minimum requirements of the board for licensure established for an accredited program in this state.

~~(3) Not be subject to denial of licensure under Section 480.~~

6. Business and Professions Code section 2761, subdivisions (a)(f) provides in part that the Board may deny an application for a certificate or license for unprofessional conduct which includes any offense substantially related to the qualifications, functions and

duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Business and Professions Code section 2762, subdivisions (a)(b)(c), provides in part that the Board may use disciplinary proceedings in addition to acts constituting unprofessional conduct when a person obtained, possessed or used a controlled substance to the extent or in a manner dangerous or injurious to himself or herself, any other person, or the public to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

8. Business and Professions Code section 2765 provides in part that the Board may decline to issue a license or certificate when a verdict of guilty is made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article irrespective of a subsequent order under Penal Code section 1203.4 allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty or dismissing the accusation, information or indictment.

9. California Code of Regulations, title 16, section 1444, outlines the substantial relationship criteria. A conviction or act shall be considered substantially related to the qualifications, functions or duties of a registered nurse if it evidences the potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety or welfare.

10. California Code of Regulations, title 16, section 1445 outlines the criteria for rehabilitation. When considering the denial of a license the following criteria are evaluated in determining rehabilitation: (1) The nature and severity of the acts; (2) Evidence of any act committed subsequent to the act or crime; (3) The time that has lapsed since commission of the crime; (4) The extent to which applicant has complied with probation and (5) Evidence of rehabilitation submitted by the applicant.

11. Cause was not established to deny respondent's application for a registered nurse license outright. However, cause was established to discipline respondent's license and impose three (3) years of probation pursuant to Business and Professions Code sections 480, subdivisions (a)(1)(2) and (a)(3)(A), and 2761, subdivision (f) as she was convicted of a burglary and forgery which are substantially related to the qualifications, duties and functions of a registered nurse pursuant to Factual Findings 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 and Legal Conclusions 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10.

12. Cause was not established to deny respondent's application for a registered nurse license outright. However, cause was established to discipline respondent's license pursuant to Business and Professions Code sections 480, subdivisions (a)(1) and (a)(3)(A), and 2762, subdivision (a) based on respondent's illegal possession of methamphetamine pursuant to Factual Findings 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 and Legal Conclusions 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10.

This conclusion is based on the factual findings and on the legal conclusions herein.

ORDER

The application of respondent Maryn Lynna Young, aka Marin Lynna Young, aka Marin Lynna Young Delp for licensure is hereby granted. Upon successful completion of the licensure examination and all other licensing requirements, a license shall be issued to respondent. Said license shall immediately be revoked, the order of revocation stayed and respondent placed on probation for a period of three (3) years on the following conditions:

SEVERABILITY CLAUSE-

Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

(1) OBEY ALL LAWS - Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

CRIMINAL COURT ORDERS: If respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

(2) COMPLY WITH THE BOARD'S PROBATION PROGRAM - Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension. Upon successful completion of probation, respondent's license shall be fully restored.

(3) REPORT IN PERSON - Respondent, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.

(4) RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE - Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when he or she resides outside of California. The respondent must provide written notice to

the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where he or she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if he/she applies for or obtains a new nursing license during the term of probation.

(5) SUBMIT WRITTEN REPORTS - Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which he or she has a registered nurse license.

(6) FUNCTION AS A REGISTERED NURSE - Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non- direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board. If respondent has not complied with this condition during the probationary term, and the respondent has presented sufficient documentation of his or her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the respondent's probation period up to one year without further hearing in order to comply with this condition. During the one-year extension, all original conditions of probation shall apply.

(7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS -

Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to his or her employer and immediate supervisors prior to commencement of any nursing or other health care related employment. In addition to the above, respondent shall notify the Board in writing within seventy-two (72) hours after he or she obtains any nursing or other health care related employment.

Respondent shall notify the Board in writing within seventy-two (72) hours after he or she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

(8) SUPERVISION - Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

- (a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- (b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.
- (c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.
- (d) Home Health Care - If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by the respondent with or without respondent present.

(9) EMPLOYMENT LIMITATIONS - Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool. Respondent shall not work for a licensed home health agency as a visiting nurse unless approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required. Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis. Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program. Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity. If the respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

(10) COMPLETE A NURSING COURSE(S) - Respondent, at her own expense, shall enroll and successfully complete an ethics course and a substance abuse course relevant to the practice of registered nursing no later than six months prior to the end of her probationary term. Respondent shall obtain prior approval from the Board before enrolling

in the courses. Respondent shall submit to the Board the original transcripts or certificates of completion for the above required courses. The Board shall return the original documents to respondent after photocopying them for its records.

(11) COST OF PROBATION- Respondent shall pay to the Board all costs associated with the enforcement of the probationary period. (No cost of recovery was filed in the underlying Statement of Issues matter.)

(12) VIOLATION OF PROBATION- If a respondent violates the conditions of her probation, the Board after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of the respondent's license. If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

(13) LICENSE SURRENDER - During respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, respondent may surrender his or her license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation. Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

(1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or (2) One year for a license surrendered for a mental or physical illness.

(14) CONTINUE PARTICIPATION IN TREATMENT/REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE - Respondent, at her expense, shall continue to participate in her existing 12-step AA program. Each week respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

(15) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING)

DRUGS -

Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, (including but limited to methamphetamine), except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate. Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of respondent's history of substance abuse and will coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances. The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

(16) SUBMIT TO TESTS AND SAMPLES - Respondent, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The respondent is responsible for keeping the Board informed of respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when he/she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the respondent shall be considered in violation of probation.

In addition, respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, the respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke

probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

(17) THERAPY OR COUNSELING PROGRAM - Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

Upon successful completion of probation, respondent's license shall be fully restored.

DATED: April 23, 2012

A handwritten signature in cursive script, reading "Carla Nasoff", written over a horizontal line.

CARLA NASOFF
Administrative Law Judge
Office of Administrative Hearings

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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues
12 Against:

13 **MARYN LYNNA YOUNG**
14 **aka MARIN LYNNA YOUNG**
aka MARIN LYNNA YOUNG DELP
15 **2325 East Joyce Drive**
Palm Springs, CA 92262

16 Respondent.

Case No. **2012-379**

STATEMENT OF ISSUES

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
21 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about June 2, 2011, the Board of Registered Nursing, Department of Consumer
24 Affairs received an application for a Registered Nurse License from Maryn Lynna Young, also
25 known as Marin Lynna Young, also known as Marin Lynna Young Delp (Respondent). On or
26 about April 13, 2011, Maryn Lynna Young certified under penalty of perjury to the truthfulness
27 of all statements, answers, and representations in the application. The Board denied the
28 application on September 15, 2011.

JURISDICTION

3. This Statement of Issues is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2736 of the Code provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

STATUTORY PROVISIONS

5. Section 475 of the Code states:

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

(1) Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.

(2) Conviction of a crime.

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a).

(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality, or habits.

6. Section 480 of the Code states:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

1 (3) (A) Done any act that if done by a licentiate of the business or profession
2 in question, would be grounds for suspension or revocation of license.

3 (B) The board may deny a license pursuant to this subdivision only if the
4 crime or act is substantially related to the qualifications, functions, or duties of the
5 business or profession for which application is made.

6

7 7. Section 482 of the Code states:

8 Each board under the provisions of this code shall develop criteria to evaluate
9 the rehabilitation of a person when:

10 (a) Considering the denial of a license by the board under Section 480; or

11 (b) Considering suspension or revocation of a license under Section 490.

12 Each board shall take into account all competent evidence of rehabilitation
13 furnished by the applicant or licensee.

14 8. Section 2761 of the Code states:

15 The board may take disciplinary action against a certified or licensed nurse or
16 deny an application for a certificate or license for any of the following:

17 (a) Unprofessional conduct, which includes, but is not limited to, the
18 following:

19

20 (f) Conviction of a felony or of any offense substantially related to the
21 qualifications, functions, and duties of a registered nurse, in which event the record of
22 the conviction shall be conclusive evidence thereof.

23

24 9. Section 2762 of the Code states:

25 In addition to other acts constituting unprofessional conduct within the meaning
26 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
27 licensed under this chapter to do any of the following:

28 (a) Obtain or possess in violation of law, or prescribe, or except as directed by
a licensed physician and surgeon, dentist, or podiatrist administer to himself or
herself, or furnish or administer to another, any controlled substance as defined in
Division 10 (commencing with Section 11000) of the Health and Safety Code or any
dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with
Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
dangerous or injurious to himself or herself, any other person, or the public or to the

1 extent that such use impairs his or her ability to conduct with safety to the public the
2 practice authorized by his or her license.

3 (c) Be convicted of a criminal offense involving the prescription, consumption,
4 or self-administration of any of the substances described in subdivisions (a) and (b) of
5 this section, or the possession of, or falsification of a record pertaining to, the
6 substances described in subdivision (a) of this section, in which event the record of
7 the conviction is conclusive evidence thereof.

8

9 10. Section 2765 of the Code states:

11 A plea or verdict of guilty or a conviction following a plea of nolo contendere
12 made to a charge substantially related to the qualifications, functions and duties of a
13 registered nurse is deemed to be a conviction within the meaning of this article. The
14 board may order the license or certificate suspended or revoked, or may decline to
15 issue a license or certificate, when the time for appeal has elapsed, or the judgment of
16 conviction has been affirmed on appeal or when an order granting probation is made
17 suspending the imposition of sentence, irrespective of a subsequent order under the
18 provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his
19 or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
20 guilty, or dismissing the accusation, information or indictment.

21 REGULATORY PROVISIONS

22 11. California Code of Regulations, title 16, section 1444 states:

23 A conviction or act shall be considered to be substantially related to the
24 qualifications, functions or duties of a registered nurse if to a substantial degree it
25 evidences the present or potential unfitness of a registered nurse to practice in a
26 manner consistent with the public health, safety, or welfare. Such convictions or acts
27 shall include but not be limited to the following:

28 (a) Assaultive or abusive conduct including, but not limited to, those violations
listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section
290 of the Penal Code.

12. California Code of Regulations, title 16, section 1445 states:

(a) When considering the denial of a license under Section 480 of the code,
the board, in evaluating the rehabilitation of the applicant and his/her present
eligibility for a license will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as
grounds for denial.

1 (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s)
2 under consideration as grounds for denial which also could be considered as grounds
3 for denial under Section 480 of the code.

4 (3) The time that has elapsed since commission of the act(s) or crime(s)
5 referred to in subdivision (1) or (2).

6 (4) The extent to which the applicant has complied with any terms of parole,
7 probation, restitution, or any other sanctions lawfully imposed against the applicant.

8 (5) Evidence, if any, of rehabilitation submitted by the applicant.

9

10 DRUG

11 13. Methamphetamine is a Schedule II controlled substance as designated by Health and
12 Safety Code section 11055, subdivision (d)(2), and is a dangerous drug pursuant to Business and
13 Professions Code section 4022.

14 FIRST CAUSE FOR DENIAL OF APPLICATION

15 (January 22, 2004 Criminal Conviction for 2nd Degree Burglary on January 6, 2004)

16 14. Respondent's application is subject to denial under sections 480, subdivisions
17 (a)(1) and (a)(3)(A), and 2761, subdivision (f) of the Code in that she was convicted of a crime
18 that is substantially related to the qualifications, duties, and functions of a registered nurse. The
19 circumstances are as follows:

20 a. On or about January 22, 2004, in a criminal proceeding entitled *People of*
21 *the State of California v. Marin Lynna Young, aka Marinna Lynna Young-Delp*, in Riverside
22 Court Superior Court, case number INF046447, Respondent was convicted on her plea of guilty
23 to violating Penal Code section 459, second degree burglary. The charge was reduced from a
24 felony to a misdemeanor by oral motion by the People. The plea dismissed a second felony count
25 of receiving stolen property (Pen. Code, § 496(a)).

26 b. As a result of the conviction, on or about January 22, 2004, Respondent
27 was granted 36 months summary probation, and she was ordered to serve 55 days in the custody
28 of the Riverside County Sheriff, with credit for 25 days, to be served on consecutive weekends in
a work release program. Respondent was further ordered to pay fees, fines, and restitution, and to
stay away from the Holiday Inn Express. The court revoked Respondent's probation after her

1 April 22, 2006, arrest by the Palm Springs Police Department for possessing a pipe used to smoke
2 methamphetamine.¹ On or about June 10, 2008, the court issued an order to withdraw
3 Respondent's plea of guilty and dismissed the matter pursuant to Penal Code section
4 1203.4/1204.4, subdivision (a).

5 c. The circumstances that led to the conviction are that on or about January 6,
6 2004, the Palm Springs Police Department responded to a call of a vehicle burglary. The victim
7 reported that she was missing her wallet, which contained several credit cards, and her cellular
8 telephone that had been left in the center console of her vehicle. When the victim called her
9 credit card company to cancel her Visa credit card, she was told that it had been used at a Holiday
10 Inn Express in Cathedral City that morning. In a follow-up investigation, it was discovered that
11 Respondent used the credit card at a hotel.

12 **SECOND CAUSE FOR DENIAL OF APPLICATION**

13 **(June 23, 2004 Criminal Conviction for Possession of Methamphetamine on May 11, 2004)**

14 15. Respondent's application is subject to denial under sections 480, subdivisions
15 (a)(1) and (a)(3)(A), and 2761, subdivision (f) of the Code in that she was convicted of a crime
16 that is substantially related to the qualifications, duties, and functions of a registered nurse. The
17 circumstances are as follows:

18 a. On or about June 23, 2004, in a criminal proceeding entitled *People of the*
19 *State of California v. Marin Lynna Young, aka Marinna Lynna Young-Delp*, in Riverside Court
20 Superior Court, case number INF047261, Respondent was convicted on her plea of guilty to
21 violating Health and Safety Code section 11377, subdivision (a), possession of a controlled
22 substance, to wit, methamphetamine, a felony.

23 b. As a result of the conviction, on or about June 23, 2004, Respondent was
24 granted 36 months formal probation on the following terms and conditions: participate in a
25 substance abuse program, attend Narcotics Anonymous or alternative program, not associate with

26 ¹ Charges were filed in Riverside Superior court case number INM167428, for violation of
27 Health and Safety Code section 11364, possession of controlled substance paraphernalia, a
28 misdemeanor. The case was dismissed at a drug court evaluation hearing on August 18, 2006, in
conjunction with the plea entered in case number SWF009047, detailed in paragraph 16, below.

1 known drug users or person on parole or probation, not possess drug paraphernalia, submit to a
2 Fourth Amendment Waiver and chemical tests administered by law enforcement, register as a
3 drug offender, and pays fines, fees, and restitution. One month later, at her first probation hearing
4 on July 23, 2004, Respondent failed to appear and a bench warrant was issued for her arrest.
5 Respondent's probation was revoked and reinstated a total of five times. On or about August 18,
6 2006, at a drug court evaluation, Respondent's original sentence was vacated. The court imposed
7 one-third of the mid term of two years, for a total of eight months in state prison, to run
8 consecutively with case number SWF009047, detailed in paragraph 16, below. The sentence was
9 suspended and Respondent was placed on formal probation for three years on the same terms and
10 conditions. On or about March 7, 2008, the court issued an order to withdraw Respondent's plea
11 of guilty and dismissed the matter pursuant to Penal Code section 1203.4.

12 c. The circumstances that led to the conviction are that on or about the early
13 morning of May 11, 2004, a patrol officer with the Palm Springs Police Department, observed a
14 vehicle parked in a business district that had been experiencing a large number of burglaries. As
15 the officer approached, Respondent exited the vehicle and walked to the patrol car. She told the
16 officer that she was having a fight with her boyfriend. The officer observed that the vehicle's
17 steering column had been busted. The driver could not provide the name of the person who lent
18 him the car. The officer had dispatch contact the registered owner of the vehicle; it was then
19 learned that the owner had reported the vehicle stolen earlier in the day. Both Respondent and
20 her companion had two-way radios tuned to the same frequency in their pockets. The officer also
21 found a plastic bag containing methamphetamine inside Respondent's shorts pocket. Respondent
22 was arrested for possession of a controlled substance and receiving stolen property.

23 **THIRD CAUSE FOR DENIAL OF APPLICATION**

24 **(October 8, 2004 Criminal Conviction for**

25 **Possession of Methamphetamine on October 6, 2004)**

26 16. Respondent's application is subject to denial under sections 480, subdivisions
27 (a)(1) and (a)(3)(A), and 2761, subdivision (f) of the Code in that she was convicted of a crime
28 that is substantially related to the qualifications, duties, and functions of a registered nurse. The

1 circumstances are as follows:

2 a. On or about October 8, 2004, in a criminal proceeding entitled *People of*
3 *the State of California v. Marin Lynna Young, aka Marinna Lynna Young-Delp*, in Riverside
4 Court Superior Court, case number SWF009047, Respondent was convicted on her plea of guilty
5 to violating Health and Safety Code section 11377, subdivision (a), possession of a controlled
6 substance, to wit, methamphetamine, a felony.

7 b. As a result of the conviction, on or about October 8, 2004, Respondent was
8 granted 36 months formal probation on the following terms and conditions: participate in a
9 substance abuse program, attend Narcotics Anonymous or alternative program, not associate with
10 known drug users or person on parole or probation, not possess drug paraphernalia, submit to a
11 Fourth Amendment Waiver and chemical tests administered by law enforcement, register as a
12 drug offender, and pays fines, fees, and restitution. Six days later, at her first probation hearing
13 on October 14, 2004, Respondent failed to appear and a bench warrant was issued for her arrest,
14 where upon her probation was revoked. Respondent's probation was revoked and reinstated a
15 total of three times. On or about August 18, 2006, at a drug court evaluation, Respondent's
16 original sentence was vacated. The court imposed the upper term of three years in state prison to
17 run consecutive to the sentence imposed in case number INF047261, above. The sentence was
18 suspended and Respondent was placed on formal probation for three years on the same terms and
19 conditions. On or about March 7, 2008, the court issued an order to withdraw Respondent's plea
20 of guilty and dismissed the matter pursuant to Penal Code section 1203.4.

21 c. The circumstances that led to the conviction are that on or about October 6,
22 2004, while assigned to the Temecula Police Department Special Enforcement Team, two
23 Riverside County Sheriff's Deputies conducted an enforcement stop of a vehicle. Respondent
24 was a passenger in the front seat of the vehicle. Respondent told the deputies she was on
25 probation. A search of Respondent revealed two clear plastic bags containing a white crystal
26 substance that tested positive for methamphetamine. Respondent admitted to the deputies that the
27 methamphetamine belonged to her and that it was for personal use. Respondent was arrested for
28 possession of a controlled substance.

1 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

2 **(March 2, 2007 Criminal Conviction for Forgery on July 11, 2006)**

3 17. Respondent's application is subject to denial under sections 480, subdivisions
4 (a)(1) and (a)(3)(A), and 2761, subdivision (f) of the Code in that she was convicted of a crime
5 that is substantially related to the qualifications, duties, and functions of a registered nurse. The
6 circumstances are as follows:

7 a. On or about March 2, 2007, in a criminal proceeding entitled *People of the*
8 *State of California v. Marin Lynna Young, aka Marinna Lynna Young-Delp*, in Riverside Court
9 Superior Court, case number INF057000, Respondent was convicted on her plea of guilty to
10 violating Penal Code section 476, forgery, a felony.

11 b. As a result of the conviction, on or about March 2, 2007, Respondent was
12 sentenced to the low term of one year and four months in state prison. The sentence was stayed
13 and Respondent was granted 36 months formal probation on the following terms and conditions:
14 not associate with known drug users or person on parole or probation, submit to a Fourth
15 Amendment Waiver, participate in a substance abuse program, reside at a substance abuse
16 treatment center and not leave without permission from the probation officer, attend Narcotics
17 Anonymous or alternative program, not possess drug paraphernalia, weapons, pepper spray,
18 submit to court-ordered drug testing, complete the drug court program, and stay away from
19 establishments that serve alcohol and casinos. On or about March 7, 2008, the court issued an
20 order to withdraw Respondent's plea of guilty and dismissed the matter pursuant to Penal Code
21 section 1203.4.

22 c. The circumstances that led to the conviction are that on or about July 10,
23 2006, the owner of a Palm Springs clothing store noticed that two checks were missing from her
24 checkbook. The checks were pre-signed and she thought she may have left her wallet on the
25 counter while she was assisting a customer. The next day (July 11, 2006), the store owner
26 received a call from a Palm Springs check cashing business who told her that a woman
27 (Respondent) attempted to cash a check in the amount of \$860 listing the clothing store as the
28 checking account holder. The clothing store owner contacted the Palm Springs Police

1 Department. As a result of their investigation, it was learned that Respondent attempted to cash
2 the check, stating it was payment for labor performed for the clothing store. Respondent provided
3 her California driver's license as identification. When the clerk called the clothing store owner to
4 verify the validity of the check, Respondent fled, leaving behind her driver's license and the
5 check. The police officer viewed video surveillance of Respondent attempting to cash the forged
6 check. The officer recognized Respondent from previous drug-related contacts. On July 21,
7 2006, Respondent was arrested on a felony warrant. The arrest violated the probation granted in
8 case numbers INF046447 and INF047261, detailed in paragraphs 14 and 15, above.

9 **FIFTH CAUSE FOR DENIAL OF APPLICATION**

10 **(Possession of a Controlled Substance)**

11 18. Respondent's application is subject to denial under section 480, subdivision (a)(3)(A)
12 of the Code in that on or about May 11, 2004 and October 6, 2004, Respondent illegally
13 possessed the controlled substance methamphetamine as detailed in paragraphs 15 and 16, above,
14 which is a cause for discipline under section 2762, subdivision (a) of the Code for a licensed
15 registered nurse.

16 **SIXTH CAUSE FOR DENIAL OF APPLICATION**

17 **(Under the Influence of a Controlled Substance on December 26, 2001)**

18 19. Respondent's application is subject to denial under sections 480, subdivision (a)(3)(A)
19 of the Code in that Respondent was under influence of a controlled substance, which is a cause
20 for discipline under section 2762, subdivision (b) of the Code for a licensed registered nurse. The
21 circumstances are that on or about December 26, 2001, deputies from the Riverside County
22 Sheriff's Department were serving a narcotics search warrant at a Thousand Palms hotel room.
23 During the search, Respondent arrived at the hotel as a passenger in a vehicle. Upon seeing law
24 enforcement, Respondent's vehicle attempted to leave the premises. Deputies intercepted
25 Respondent's vehicle and they confirmed that she was the owner of items found in the hotel
26 room. The deputy observed that Respondent was acting very nervously and she continually
27 moved her hands and feet. Respondent's pupils were dilated, her eyes were bloodshot, and her
28 pulse was 126 beats per minute. Respondent also had very dry lips and her mouth was lightly

1 coated with a white mucous-like substance. The back of Respondent's throat was red and
2 irritated which was consistent with someone who smokes controlled substances with a pipe.
3 Respondent admitted she had used methamphetamine the day before. Based on her objective
4 symptoms, Respondent was arrested for being under the influence of methamphetamine.

5 **SEVENTH CAUSE FOR DENIAL OF APPLICATION**

6 **(Drug-Related Criminal Convictions)**

7 20. Respondent's application is subject to denial under section 480, subdivision (a)(3)(A)
8 of the Code in that on or about June 23, 2004 and October 8, 2004, Respondent was convicted of
9 criminal offenses involving the possession of methamphetamine, which is a cause for discipline
10 under section 2762, subdivision (c) of the Code for a licensed registered nurse.

11 **EIGHTH CAUSE FOR DENIAL OF APPLICATION**

12 **(Dishonest Acts)**


13 21. Respondent's application is subject to denial under sections 480, subdivision (a)(2) of the
14 Code in that on or about January 6, 2004, Respondent used a credit card that she knew to be
15 stolen at a hotel as detailed in paragraph 14, above. On July 11, 2006, Respondent forged a check
16 she knew was stolen and attempted to cash the check, as detailed in paragraph 17, above.
17 Respondent's acts involved dishonesty with the intent to substantially benefit herself or another.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board of Registered Nursing issue a decision:

- 21 1. Denying the application of Maryn Lynna Young, also known as Marin Lynna Young,
22 also known as Marin Lynna Young Delp, for a Registered Nurse License;
23 2. Taking such other and further action as deemed necessary and proper.

24 DATED: December 20, 2011

25 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

26
27
28 SD2011801790